

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 10/27/04 Item No. 4.d.

File Number
CP04-068

Application Type
Conditional Use Permit

Council District
3

Planning Area SNI
Central University & 13th St.

Assessor's Parcel Number(s)
467-24-026

STAFF REPORT

PROJECT DESCRIPTION

Completed by: F. Lee Butler

Location: Northwest corner of East San Fernando Street and South 7th Street (295 E. San Fernando & 79 S. 7th Streets)

Gross Acreage: 0.25

Net Acreage: 0.25

Net Density: 64 DU/AC

Existing Zoning: R-M Residence

Existing Use: 15-unit multi-family residential building totaling 11,868-square feet and an existing single-family residence

Proposed Zoning: No change

Proposed Use: 20-bedroom fraternity residence and four-bedroom fraternity residence

GENERAL PLAN

Completed by: FLB

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: FLB

North: Commercial

R-M Multiple Residence

East: Multi-family Residential

CO Commercial Office

South: San Jose State University

R-M Multiple Residence

West: Multi-family Residential

R-M Multiple Residence

ENVIRONMENTAL STATUS

Completed by: FLB

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☒ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: FLB

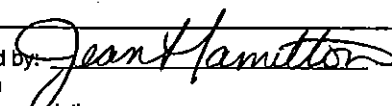
Annexation Title: Original City

Date: March 27, 1850

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: 10-20-04

Approved by: 
☒ Action
☐ Recommendation

OWNER	Applicant
City of San Jose Department of Housing 4 N. 2 nd St, Suite 1350 San José, CA 95113	Zeta Eta Chapter of Beta Theta Pi Housing Corporation Jason Chorley 3681 Vireo Ave. Santa Clara, CA 95051
PUBLIC AGENCY COMMENTS RECEIVED	Completed by: FLB
Department of Public Works, Fire Department	
See attached memorandums	
Other Departments and Agencies	
None	
GENERAL CORRESPONDENCE	
E-mail from Jonathan Noble summarizing proceedings at the University Neighborhoods Coalition meeting (Oct. 12 th)	
ANALYSIS AND RECOMMENDATIONS	

BACKGROUND

Project Description

The applicant, the Zeta Eta Chapter of Beta Theta Pi Housing Corporation, is requesting a Conditional Use Permit for a 20-bedroom fraternity residence and a separate four-bedroom fraternity residence on the same parcel located north of the San José State University campus at the northwest corner of E. San Fernando and S. 7th Streets. Since 1959, the Zoning Ordinance has required fraternities and sororities to obtain a Conditional Use Permit in its multi-family residence zoning districts, most recently in the R-M Residence district. Currently, the structure at 295 E. San Fernando St. is used as a 15-unit apartment building, and the structure at 79 S. 7th St. is used as a single-family residence. The two structures are proposed to accommodate up to 48 residents.

In the short-term, some of the residents in the larger building at 295 E. San Fernando St. will remain at their current residences. The fraternity does not wish to displace them, and they will be permitted to reside in their apartments for as long as they choose. The applicant is proposing to replace all current tenants that leave their residences with fraternity members. No new non-fraternity member residents would be allowed to reside in the dwelling. All of the existing residents in the smaller building at the 79 S. 7th St. would be displaced.

As part of the proposal to convert the residences to fraternity residential housing, the site will be used for fraternity meetings, Friday night parties, rush (recruitment of new members) gatherings, and parking. The attached operations plan describes these events in more detail, and this operations plan also includes various rules for the fraternity residents.

Site Description

The 0.25-acre site is developed with two structures, both of which are listed on the City of San Jose's Historic Resources Inventory. Photographs of the existing structures are included in the attached plan set.

The residence at 295 E. San Fernando St. is a three and one-half (3 ½) story, Queen Anne style structure constructed in 1895. The structure's 11,868-square feet are distributed between a basement, ground floor, second story, third story, and a small fourth story loft area in a tower at the southeast corner. One unit exists in the basement, five exist on the ground floor, five exist on the second floor, and four exist on the third floor. Each unit has varying numbers of rooms but contains only one full bathroom and one kitchen each. The structure is individually eligible for the National Register of Historical Places and the California Register of Historical Resources and is a Candidate City Landmark.

The single-family residence at 79 S. 7th St. is a two-story Craftsman and Period Revival style structure constructed circa 1910. The ground floor has a kitchen, dining room, two living rooms, bedroom, and half-bathroom. The second floor contains three bedrooms, a full bathroom, and an office space. The structure is listed as a Structure of Merit on the Historic Resources Inventory.

A total of five parking spaces are provided at the northwest corner of the site, behind the residence at 79 S. 7th St. The only proposed construction is a new trash enclosure adjacent to the parking area. The project site is surrounded by multi-family residences to the east and west, by a commercial structure to the north, and by San Jose State University to the south.

GENERAL PLAN CONFORMANCE

Fraternities and sororities are allowed in the Medium High Density Residential (12-25 DU/AC) land use designation. General Plan policy specifies that uses of this type should be located in residential designations that allow eight or more dwelling units per acre. With 16 total dwelling units, the existing density of the property is 64 dwelling units per acre. Using the General Plan's "Population-Dwelling Unit Equivalency" Discretionary Alternate Use Policy, the proposed density will be slightly lower, bringing the density closer to the range called for in the General Plan. In calculating the Population-Dwelling Unit Equivalency with an average household size in San Jose of 3.08 persons per household, with a maximum of 48 residents, the dwelling unit equivalency for the fraternity is 62.3 dwelling units per acre ($48 / 3.08 = 15.6$ dwelling units / 0.25 acres = 62.3 du/ac). The General Plan also states that "since parcels of two acres and less in size may be too small to be separately identified on a map the scale of the official Land Use/Transportation Diagram, any developed parcel of two acres or less is deemed to be in conformance with the General Plan regardless of how it is designated." The combination of this being a developed residential parcel of two acres or less coupled with the net reduction in density allows Staff to find that the proposal is consistent with the General Plan.

ENVIRONMENTAL REVIEW

The Director of Planning, Building, and Code Enforcement found the proposed project to be exempt from environmental review under Section 15301 of the CEQA Guidelines, which exempts existing facilities for which no or negligible expansion in use is proposed. The project qualifies for this exemption because no additions, modifications, or practical expansions of use are proposed, and the only construction will involve the installation of a new trash enclosure.

PUBLIC OUTREACH

The applicant attended regularly scheduled meetings of two neighborhood associations in the immediate area. On October 12, 2004, the applicant presented the project to the University Neighborhoods Coalition (UNC), and on October 19, 2004, the applicant presented the project to the Horace Mann Neighborhood Association. Approximately two weeks prior to the UNC meeting, the applicant distributed notices of these meetings to all occupants and property owners on South 6th, 7th, and 8th Streets between E. Santa Clara St. and E. San Fernando St. The notice contained a tentative Planning Commission hearing date of October 27, 2004, and a copy is attached. Comments and concerns that were raised at the two community meetings are addressed below, particularly in the "Compatibility with Surrounding Uses" and "Additional Appropriate Conditions" sections. Major issues of discussion included preservation of the historic character of the structures (especially for the larger structure), parking availability, and compliance of new fraternity residents to the conditions of any approvals.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site. The Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report and attachments. Staff has also been available to respond to inquiries from the public.

ANALYSIS

The primary issues analyzed for this project are (1) the number of residents proposed on site, (2) parking, (3) compatibility with surrounding uses, and (4) additional appropriate conditions of approval for this use.

Number of Residents

The applicant is proposing a 20-bedroom fraternity house accommodating up to 40 individuals at 295 E. San Fernando St. and a four-bedroom fraternity house accommodating up to eight individuals at 79 S. 7th St. for a total count of up to 48 residents at the site. Each bedroom would accommodate up to two individuals. The fraternity could potentially convert up to four rooms in the 295 E. San Fernando St. house from living rooms to sleeping quarters. The bedroom counts noted above (20 in the larger structure and four in the smaller) include the total number of rooms that can potentially be converted to bedrooms, including those noted on the plans as "Living Room/Future Sleeping Quarters." While the ultimate occupancy numbers of the house at 295 E. San Fernando St. may increase the population over the existing conditions, each conversion of a living room area to a bedroom meets the applicable Building and Fire Code standards. Furthermore, the increase is only minor when compared to the structure's previous residential occupancy numbers, which would accommodate up to 32 individuals with no living room to bedroom conversions.

The four-bedroom residence at 79 S. 7th St. is proposed to house eight individuals. No new bedrooms are proposed in the structure, and conditions of approval would prohibit future conversion of living room, dining room, or office area into sleeping quarters. As a single-family residence, the house could accommodate a similar number of people to that proposed, therefore, it is not likely that there will be an increase in the population of this residence.

With only minimal future increases to the number of sleeping rooms/occupants at 295 E. San Fernando St. and no likely increase to the occupants at 79 S. 7th St., Staff is supportive of the proposal.

Parking

A total of five parking spaces currently exist on site. The Zoning Code requires that fraternities provide a minimum of one parking space for each guest room and one space for each employee. Using this standard, the project as proposed requires four parking spaces for the residence at 79 S. 7th St. and 20 parking spaces for the residence at 295 E. San Fernando St. for a total of 24 required spaces. The applicant has indicated that the fraternity will have no employees, therefore no additional parking spaces are required. A total of 24 parking spaces will ultimately be required (when all living rooms have been converted to sleeping quarters), but only five parking spaces are provided on-site. Staff recognizes that the on-site parking is deficient, and to address the deficiency, the applicant has confirmed with the San Jose State Police that overnight parking permits can be issued to the occupants of the two dwellings. These permits would allow the fraternity residents to park their vehicles in the SJSU parking garages overnight. Confirmation of this arrangement is attached. The fraternity will be required to purchase at least one overnight parking pass for each guest room, less the five spaces that are provided on-site. This will bring the number of parking spaces into conformance with the Zoning Ordinance requirements.

The nearest parking garage to the subject site is the 10th Street Garage located approximately 800 feet to the east, at the northeast corner of S. 9th St. and San Fernando St. Staff believes that this parking garage is reasonably convenient and accessible to the subject site and recommends approval of the off-site parking arrangement. Additional parking is located in the 4th Street Garage located at the northeast corner of S. 4th and E. San Fernando Streets and in the 7th Street Garage located at the northwest corner of S. 7th and San Salvador Streets. Parking conditions are discussed below in the "Conditions of Approval" section.

Compatibility with Surrounding Uses

Fraternities and sororities are conditional uses in the R-M Residence Zoning District. Conditional Use Permits allow the City to design and impose appropriate conditions to insure that uses will be compatible with their surroundings. The proposed location, surrounded by the University, a commercial building, and by multi-family residences, is generally compatible with this type of use. However, a number of conditions have been included as a part of this Conditional Use Permit, which will allow the fraternity to be compatible with the surrounding residential neighborhoods. Permit conditions mandate quiet hours, codes of conduct, restrictions on the use of alcohol on site, and maintaining good standing in relation to San José State University. These conditions of approval have been crafted with input from the University Neighborhoods Coalition and have been used with previous fraternity/sorority approvals. Staff is also recommending additional conditions (listed below) that help to address potential impacts to nearby residents.

Additional Appropriate Conditions

Due to special circumstances related to the historic nature of the 295 E. San Fernando St. structure, the transition of the use and displacement of existing residents, and the potential impacts to the surrounding area, Staff is recommending various other conditions as well.

With the change in use to a fraternity, no exterior changes will be permitted to either structure without the approval of the Director of Planning, Building, and Code Enforcement. Furthermore, the UNC expressed their support of the proposal contingent upon the fraternity applying for listing of the structure on the National

Register of Historic Places. The applicant should submit a National Register of Historic Places nomination form to the California Historic Preservation Officer to initiate the process. Aid of a qualified historic consultant will be required to complete the necessary forms, and fees for noticing the public will be applicable. Staff is recommending this application for the National Register of Historic Places as a condition of approval, and furthermore, Staff is also recommending that the applicant pursue designation of the structure as a City Landmark. Listing of the structure on the National Register of Historic Places would automatically list it on the California Register of Historic Resources.

Prior to displacement of the current residents at 79 S. 7th St., the applicant shall implement all measures contained within the Relocation Plan developed by the City of San Jose Housing Department. While a fraternity and non-fraternity population co-exist at 295 E. San Fernando, a parking permit system shall be established in accordance with the attached supplemental operations plan. All current, non-student residents of the apartments at 295 E. San Fernando shall be offered parking permits before student residents (who have the option to purchase San Jose State University garage parking passes) are offered the passes.

The attached operations plan indicates that fraternity parties will be held on Friday nights only. Parties must be registered with the University, and University Police Officers must be present in accordance with the ratios set forth in the operations plan. Sober monitors are required to supervise activities inside the party, and Staff is recommending a condition of approval that the applicants work with the Building and Fire Department Staff to determine the maximum number of people allowed to occupy the overall site at any given time.

Conclusion

Based on the above analysis, Staff concludes that the proposed fraternity in the existing buildings, as conditioned, adequately provides for parking, is an appropriate size for the subject buildings, and is compatible with the surrounding neighborhood.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding the proposed project.

1. This site has a designation of Medium High Density Residential (12-25 DU/AC) on the adopted San José 2020 General Plan Land Use/ Transportation Diagram.
2. The project site is located in the R-M Residence Zoning District.
3. The project was found to be exempt from environmental review under Section 15301 of the CEQA Guidelines, which exempts existing facilities for which little or no expansion in use is proposed. No additions or modifications are proposed to the existing structures, and the only construction will involve the installation of a new trash enclosure. The project will not have a significant impact on the environment.

4. The applicant is requesting this Conditional Use Permit to allow a 20-bedroom fraternity residence and a separate four-bedroom fraternity residence on the same parcel just north of the San José State University campus. The two structures are proposed to accommodate up to 48 residents.
5. The 0.25-acre site is developed with two residential structures, both of which are listed on the City of San Jose's Historic Resources Inventory.
6. The project site is surrounded by multi-family residences to the east and west, by a commercial structure to the north, and by San Jose State University to the south.
7. Fraternities and sororities are a land use appropriate in the Medium High Density Residential (12-25 DU/AC) land use designation. General Plan policy specifies that uses of this type should be located in residential designations that allow eight or more dwelling units per acre.
8. The Zoning Code requires that fraternities or sororities provide a minimum of one parking space for each room and one space for each employee. Using this standard, the project as proposed requires 24 parking spaces. Five parking spaces are provided on site, and the remainder of the required parking will be provided off-site through use of the San Jose State University parking facilities. Purchase of overnight parking passes allowing the fraternity residents to park in the SJSU parking garages overnight is required. The fraternity will be required to purchase at least one overnight parking pass for each guest room, less the five spaces that are provided on-site. This will bring the number of parking spaces into conformance with the Zoning Ordinance requirements.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project will be consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.
4. The proposed use is compatible with the surrounding neighborhood.

Finally, based upon the above stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons residing or working in the surrounding area; or
 - c. Be detrimental to public health, safety or general welfare.

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "295 E. San Fernando St. & 79 S. 7th St.", dated October 14, 2004, on file with the Department Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 24).
3. **Nuisance.** This use shall be operated in a manner, which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
4. **Residential Occupancy Permit.** The applicant shall obtain a Residential Occupancy Permit from the Code Enforcement Division. No Occupancy Permit shall be issued until the project has been certified in compliance with all applicable building and fire codes.
5. **Occupancy.** This Conditional Use Permit authorizes the use of the residence at 295 E. San Fernando St. as a residential fraternity with 20 rooms used for sleeping purposes. This Conditional Use Permit also authorizes the use of the residence at 79 E. San Fernando St. as a residential fraternity with four rooms used for sleeping purposes. No more than two persons may reside in any room used for sleeping quarters, and no persons may reside in rooms not specifically called out as bedrooms, studios, sleeping quarters, or future sleeping quarters in the approved plan set (see the "Room Layouts and Size" table on sheet C-1). Living room, dining room, and office areas at the 79 S. 7th St. residence are to remain as common open space areas and are not to be used as sleeping quarters. The number of residents at 295 E. San Fernando St. is limited to a maximum of 40. The number of residents at 79 S. 7th St. is limited to a maximum of eight (8).
6. **Exterior Changes.** No exterior changes will be permitted to either structure covered by this permit without the express approval of the Director of Planning, Building, and Code Enforcement.
7. **National Register Status.** The applicant shall apply to the California State Office of Historic Preservation to nominate the structure at 295 E. San Fernando St. for the National Register of Historic Places. The nomination shall be submitted within six (6) months of occupancy of the structure.
8. **City Landmark Status.** The applicant shall apply to the Director of Planning, Building, and Code Enforcement to nominate the structure at 295 E. San Fernando St. as a City Landmark. The nomination shall be submitted within six (6) months of occupancy of the structure.

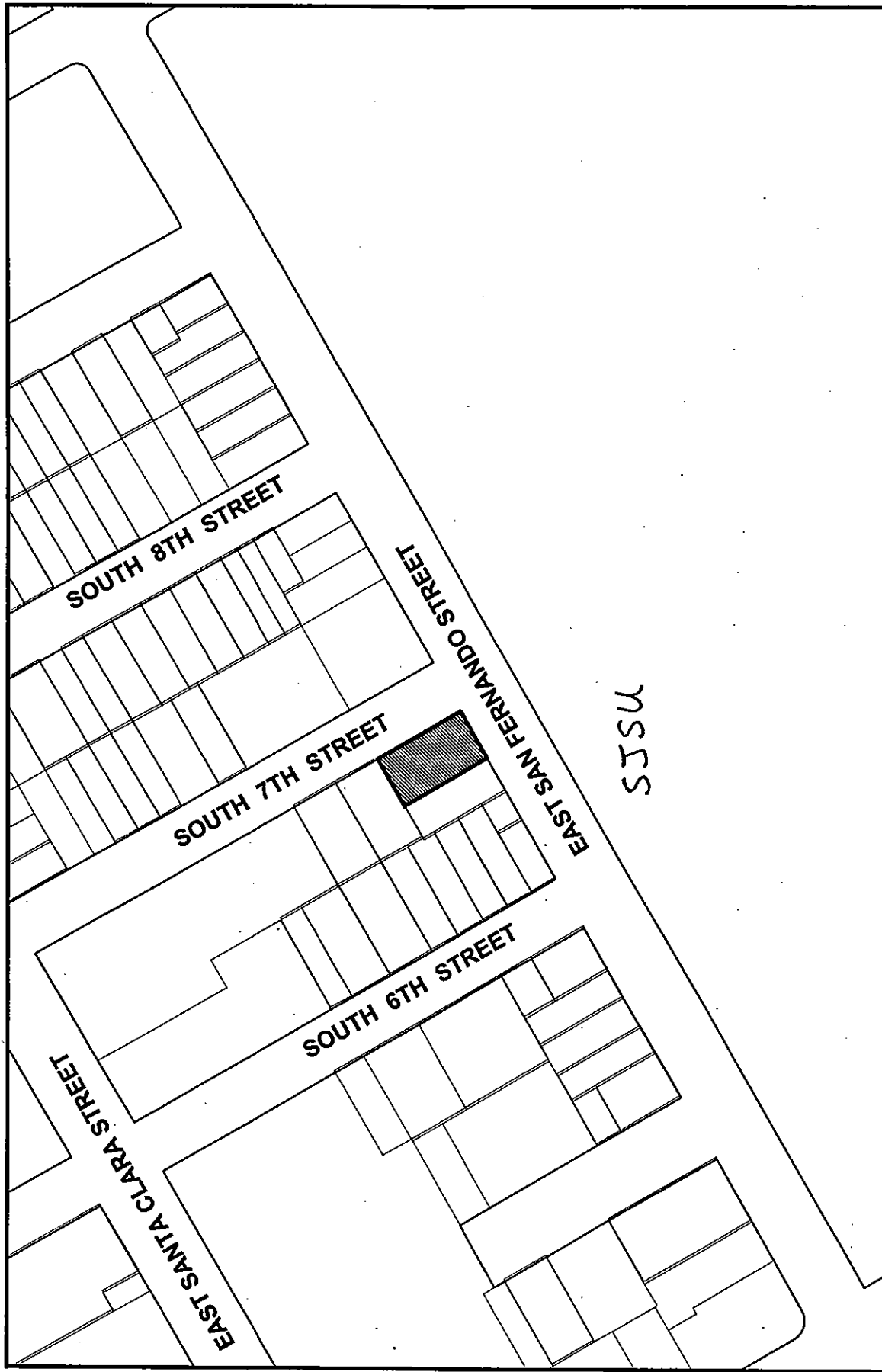
9. **Parking.** The applicant is required to purchase at least one overnight parking pass for each guest room in use at the property, less the five spaces that are provided on-site. While a fraternity and non-fraternity population co-exist at 295 E. San Fernando, a parking permit system shall be established in accordance with the attached supplemental operations plan. All current, non-student residents of the apartments at 295 E. San Fernando shall be offered parking permits before student residents (who have the option to purchase San Jose State University garage parking passes) are offered the passes.
10. **University Affiliation.** The fraternity/sorority using the subject site must be recognized by San José State University and in good standing as an affiliated fraternity/sorority. This permit shall expire and become null and void if at any point San José State University fails to recognize the fraternity/sorority. If, for a time period of one (1) continuous year, the fraternity/sorority falls out of good standing with San José State University, this permit shall automatically expire and become null and void. Reapplication for a new Conditional Use Permit would be required if the permit expires for any reason.
11. **Peer Review.** The fraternity/sorority using the subject site is required to be members in good standing of an Umbrella Council recognized by San José State University.
12. **Quiet Hours.** The fraternity/sorority is required to maintain quiet hours between 10 p.m. and 8 a.m., Sunday through Thursday, and between 11 p.m. and 8 a.m. Friday and Saturday. During quiet hours, the maximum decibel level allowed, measured at the property line, is 55 dB.
13. **Code of Conduct.** The fraternity/sorority is required to abide by San José State University's Code of Conduct for Student Organizations.
14. **Alcohol.** The consumption and use of alcohol while on fraternity/sorority premises shall be in compliance with applicable laws of the State of California, the City of San José, and any applicable rules proscribed by San José State University. No alcohol can be provided by the fraternity.
15. **Special Events, Parties, and Total Attendees.** The attached operations plan indicates that fraternity parties will be held on Friday nights only. Parties must be registered with the University, and University Police Officers must be present in accordance with the ratios set forth in the operations plan. Sober monitors (at a ratio of four per the first 100 attendees and two per each additional 100 attendees) are required to supervise activities inside the party, and the maximum number of people allowed to occupy the overall site at any given time shall be adhered to as determined by Fire and Building Code regulations.
16. **Outdoor Activity.** No amplified music or entertainment, live or otherwise, shall be generated outdoors.
17. **Operations Plan.** The applicant shall comply with the submitted operations plan associated with this Conditional Use Permit, on file with the Department of Planning, Building, and Code Enforcement, at all times. If any statements within the Operations Plan conflict with statements in this Conditional Use Permit, the Conditional Use Permit conditions will take precedence.
18. **Disclosure to All Residents.** The applicant shall be responsible for disclosing all rules and regulations of this Conditional Use Permit and the approved Operations Plan associated with this permit to all existing

and new residents at the property. The disclosure shall occur prior to the occupancy of any new residents in either structure.

19. **Fire Department Conditions.** The required fire flow for the site is 3,000 gallons per minute. The needed fire flow shall be provided from a minimum of three hydrants, and shall be spaced on average 400 feet from the proposed project. The proposal must comply with all applicable conditions from the San Jose Fire Department dated July 29, 2004 and with any new Building/Fire Department comments at the plan review stage, including, but not limited to the following:
 - a. Automatic sprinkler systems may be required.
 - b. Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code.
 - c. Each locked gate on site shall have an approved device with unlocking capability.
20. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping. Garbage and recycling containers must be stored in the designated area at the rear of the site except for 12 hours before and after scheduled pick-ups.
21. **Signage.** No signage is approved at this time. Any proposed signage is subject to the discretion of the Director of Planning, Building, and Code Enforcement. Appropriate permits shall be required.
22. **Tree Removals.** No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
23. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, CP04-068, shall be printed on all construction plans submitted to the Building Division.
16. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
17. **Outdoor Storage.** No outdoor storage is permitted.
18. **Landscaping.** All proposed landscaping shall be installed prior to building occupancy, and shall be supported by an automatic irrigation system.

CONDITIONS SUBSEQUENT

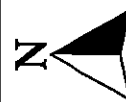
1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
 2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.
- c: Owner
Applicant



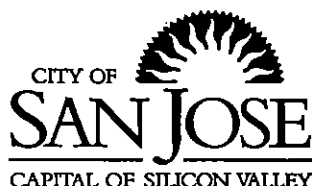
File No: CP04-068

District: 03

Quad No.: 83



Scale: 1"=200'
Created on 07/14/04



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

STATEMENT OF EXEMPTION

FILE NO.	CP04-068
LOCATION OF PROPERTY	Northwest corner of East San Fernando Street and South 7th Street
PROJECT DESCRIPTION	Conditional Use Permit to convert an existing 16-unit multi-family residential building totaling 11,868-square feet and an existing single-family residence to fraternity residential uses on a 0.25 acre site.
ASSESSOR'S PARCEL NUMBER	467-24-026

CERTIFICATION

Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in this section are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

The existing structures are used as a 19-unit-multi-family residential building and a single-family residence, respectively. No additions or modifications are proposed to the existing structures, and the proposed use as residential housing for fraternity members involves negligible or no expansion of the existing uses.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

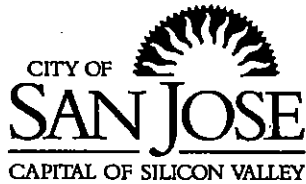
Date:

October 7, 2004

Ron Eddow

Deputy

Project Manager: Lee Butler



Memorandum

TO: Lee Butler
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 07/23/04

PLANNING NO.: CP04-068
DESCRIPTION: Conditional Use Permit to allow change in use of an existing 11,868-square-foot 19 units multi-family residential building for fraternity residential uses on a 0.25 acre site
LOCATION: northwest corner of East San Fernando Street and South 7th Street
P.W. NUMBER: 3-16758

Public Works received the subject project on 07/15/04 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied the following Public Works condition. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

Please contact the Project Engineer, Ryan Do, at (408) 277-5161 if you have any questions.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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JUL 29 2004

Memorandum

TO: Lee Butler
Planning and Building

FROM: Nadia Naum-Stoian,
Fire Prevention Engineer
San Jose Fire Department

SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 07/29/04

Approved

Date

PLANNING NO.: CP04-068
DESCRIPTION: Conditional Use Permit to allow change in use of an existing 11,868-square-foot 19 units multi-family residential building for fraternity residential uses on a 0.25 acre site
LOCATION: northwest corner of East San Fernando Street and South 7th Street
ADDRESS: northwest corner of East San Fernando Street and South 7th Street (295 E SAN FERNANDO ST Unit 14)
FOLDER #: 04 119582 AO

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- These comments are based on the following information:
 - Largest building: 11,868_sq. ft.
 - Construction Type: VN
 - Occupancy Group: R-1
 - Number of stories: 3
- Site fire flow requirement: 3,000 G.P.M.
- Average hydrant(s) spacing: 400 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.

• **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**

1. The needed fire flow noted above shall be provided from a minimum of 3 hydrants and shall be spaced apart on average 400 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department. NOTE: Verify existing with the water company.
2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.
3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.
4. All buildings exceeding 6,200 square feet shall be provided with an approved automatic fire extinguishing system(s) as per the adopted San Jose Municipal Code. All alternate means of protection shall be reviewed by the Fire Department.
5. All fire department connections shall be located within 100 feet from a standard public fire hydrant. All alternate means of protections shall be reviewed by the Fire Department. The public fire hydrant(s) shall be located on the same frontage as all fire service connections.
6. Alter the sprinkler system as needed by new partitions, floors and ceilings. Plans and a permit application shall be submitted to the San Jose Fire Department's Bureau of Fire Prevention for review and approval before altering the system. A separate inspection will be required before the final fire inspection can be scheduled. Call (408) 277-4656 for more information.
7. Buildings shall be provided with automatic fire extinguishing systems. Systems serving more than 100 sprinklers shall be supervised by a remote alarm system.
8. Group R, Division 1 occupancies shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms, and in congregate residences three or more stories in height or having an occupant load of 20 or more.

- **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION: (Continued)**

9. Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code.

- **THE FOLLOWING GENERAL REQUIREMENTS ARE APPLICABLE TO THE SUBJECT APPLICATION:**

- Facilities for emergency vehicle access:
 - A. Lock boxes or non-case hardened locks are required at gated entries. Lock boxes are required for buildings four or more stories and are recommended for buildings over 10,000 square feet.
 - B. Fire lanes shall be suitably marked with standard signs, painted curbs, and/or other markers as approved or authorized for use by the Chief. Fire lane markings shall be indicated on plans submitted through the building permit process for review and approval by the Fire Department.
- Each locked gate on site shall have an approved device with unlocking capability. Contact the Fire Department's Bureau of Fire Prevention at (408) 277-4656 for approved devices. Provide a manual means of opening gate if there is a power failure.

VERIFY EXISTING

- Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.
- All existing and new fire hydrants shall be at least 10 feet from all driveways.
- All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
- All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
- Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.

Planning and Building

7/29/04

Subject: CP04-068

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IF APPLICABLE

- The Hazardous Materials process can be lengthy and complex. The applicant should contact the Hazardous Materials Division at (408) 277-4659 as soon as possible to initiate the process.

Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to meeting the requirements of the Hazardous Materials Storage Ordinance, the Toxic Gas Ordinance, the applicable sections of the San Jose Fire Code, and the National Fire Codes. Submit names and amount of any hazardous materials, if they are to be stored or used, to the Bureau of Fire Prevention for review and approval.

- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.



BY: Nadia Naum-Stoian, FPE
Bureau of Fire Prevention
San Jose Fire Department

Fire Site Memo to Planning Application

Butler, Lee

From: Noble, Jonathan
Sent: Wednesday, October 13, 2004 3:45 PM
To: Corsiglia, Leslye
Cc: Butler, Lee; Kimura, Leon
Subject: CUP for Dorchester House

Update from 10.12.04 UNC Meeting

Overall, meeting went as well as possible (with Beta's reputation as an upstanding citizen fraternity carrying a lot of weight).

NEXT STEPS:

1. Meeting w. current residents, Beta Rep, Housing Rep, and Management Company to discuss relocation plan, and operation plan (i.e. how will parking work, Frat parties/events, etc.)

2. Address below concerns:

Parking - Need to make it mandatory for Frat to purchase permits for members who cannot park on site

Historic Importance of Home (Eligible for National Registry) - UNC requested that Beta pursue registration and pot. tax benefits associated with registry; strict requirements within CUP to protect building integrity and condition

Operation Plan that includes "transition clause" that insures that all new tenants (members) understand the CUP and other rules that govern life on the property

Limitations to number of people on site for any given event.

A9

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a Conditional Use Permit (file no. CP04-068) is being sought for a property in your neighborhood located at 295 East San Fernando Street and 79 South Seventh Street. The properties are located on the corner of 7th Street and E. San Fernando Street. The Conditional Use Permit application seeks to convert the existing apartment building (295 E. San Fernando) and single-family house (79 S. Seventh Street) into fraternity housing. This conversion will not involve any new construction, only a change in the use of the property.

The organization (the Zeta Eta House Corp.) seeking the Permit will be presenting their proposal at two different community meetings and finally at the City of San Jose Planning Commission Hearing. You are free to attend any of the community meetings and the Planning Commission Hearing.

The dates and locations for these presentations are as follows:

Tuesday, October 12, 2004 @ 6:30 p.m.

University Neighborhood Coalition (UNC) Community Meeting
Lowell Elementary School Cafeteria (corner of 7th Street and Reed St.)

Tuesday, October 19, 2004 @ 7:00 p.m.

Tentative Horace Mann Neighborhood Association (HMNA) Meeting
Located at LePetit Trianon, 72 N. Fifth St.
(location subject to change)

Wednesday, October 27, 2004 @ 6 p.m.

Tentative Planning Commission Hearing (date subject to change)
City Council Chambers at City Hall

(A separate notice will be mailed to all residents within 500 feet of the
subject site approximately two weeks prior to the hearing.)

If you have any questions about the proposal or need confirmation of the date and location of the meetings feel free to contact any of the numbers listed below.

Jason Chorley, Treasurer
Zeta Eta House Corp.
(408) 910-4494

Lee Butler, Planner II / Project Manager
City of San Jose, Dept. of Planning
(408) 277-4576

MAILING DATE: Wednesday, September 29, 2004 to owners of property located on South 6th, 7th and 8th Streets between E. Santa Clara Street and E. San Fernando Street.

Butler, Lee

From: Jason J. Chorley [jchorley@campeaulaw.com]
Sent: Wednesday, October 06, 2004 2:32 PM
To: Lee Butler
Subject: Fw: Overnight Parking Permits

Lee,

Following is the email I sent to and response received from Rosie Valdez who is an officer in charge of Parking Services for the University Police Department. I have also attached the letter that I sent to her attention in which the email is in response to.

If you have any questions feel free to contact me.

Jason J. Chorley, paralegal
CAMPEAU GOODSSELL SMITH, L.C.
38 West Santa Clara Street
San Jose, CA 95113
(408) 295-9555
(408) 295-6606 fax

----- Original Message -----

From: Rosie.Valdez@sjsu.edu
To: Jason J. Chorley
Sent: Tuesday, October 05, 2004 4:54 PM
Subject: Re: Overnight Parking Permits

Good Morning Jason,

Yes I did receive your letter. In regards to your requests, currently there will be a \$2 charge per decal to cover our cost. I will also need a list of names and Student id# to which these decals will be issued to. Only those who have a valid SJSU permit and the vehicles registered to the permit will be allowed to use these decals.

Also, probably sometime next year starting in July we will be revamping the process and cost for vehicles that are parked overnight in the garages. Primarily, University Housing(500+ vehicles) causes the major impact, but vehicles that park overnight are usually there in the day and take space away from those who commute because the overnights store their vehicle in the garage when they are at home and not attending class. Some vehicles do not move for weeks. With the need for parking so critical, it is hard to justify allowing people to store vehicles on campus when they are not on campus.. On the other hand, you need somewhere to put your vehicle. We want to discourage it, but permit it. So you guessed correctly, the price will probably be going up. Our price will be based on the parking costs for the new underground garage under the University Housing Village. That same price would offered to those similar to you since the service you receive is about the same. As we get closer, I will contact you for input.

Remember that on the weekends the 10th Street garage will be worked on for maintenance, so please adhere to any signs posted, or you will be subject to a parking violation.

Thanks
Rosie

"Jason J. Chorley" <jchorley@campeaulaw.com>

To "Rosie Valdez" <rosie.valdez@sjsu.edu>

10/6/2004

10/04/2004 04:20 PM

cc
Subject Overnight Parking Permits

Ms. Valdez,

My names is Jason Chorley and I was given your contact information from Sgt. Villari. I delivered a letter to your attention today and just wanted confirmation that you received it. I am also using this email to provide you with my contact information and email address.

Very truly yours,

Jason J. Chorley, paralegal
CAMPEAU GOODSELL SMITH, L.C.
38 West Santa Clara Street
San Jose, CA 95113
(408) 295-9555
(408) 295-6606 fax

10/6/2004



Beta Theta Pi

ZETA ETA HOUSING CORPORATION

October 4, 2004

VIA HAND DELIVERY

Attn: Rosie Valdez
San Jose State University
Parking Services Office
One Washington Square
San Jose, CA 95192-0012

Re: **Overnight Parking Permits for the North Garage (10th Street)**

Dear Ms. Valdez,

I am directing this letter to you at the referral of Sgt. Timothy M. Villarica. This letter is written on behalf of the Zeta Eta Chapter of Beta Theta Pi Fraternity at San Jose State University (the "Chapter") and The Zeta Eta Chapter of Beta Theta Pi Housing Corporation (the "Corporation"). We are currently in negotiations with the City of San Jose to purchase real property located at 295 E. San Fernando Street and 79 South Seventh Street (on the corner). These two properties will become the Chapter house for the fraternity.

At the present time we are in the process of applying for a Conditional Use Permit which will allow the Chapter to occupy the properties. The subject properties can house 40 individuals and yet can only accommodate 6 parking spaces. One of the conditions that must be met before we are granted the Conditional Use Permit from the City is that every member of the Chapter has access to park in the parking garages of San Jose State University. As students they have access to parking provided they purchase a parking permit.

The purpose of this letter is to request special overnight parking permits for use in the North Garage. It was brought to my attention that a fellow Greek organization (Alpha Omicron Pi) has been granted the permits of which I am inquiring. Allegedly these permits allow the members of Alpha Omicron Pi, who already have student parking permits, to park in the North Garage overnight without penalty. I am requesting that the same courtesy be extended to the members of Beta Theta Pi who will have purchased student parking permits.

Rosie Valdez
Overnight Permits
October 4, 2004
Page 2 of 2

A/B

This letter is to act as an inquiry into the possibility of such permits and does not constitute a binding agreement between Parking Services and Beta Theta Pi Fraternity. We are seeking information about said permits and any other information that is pertinent to obtaining such permits (i.e. cost, duration, procedures). If our request is granted we ask that you inform us of our approval in writing as well as by e-mail at the addresses listed below.

Thank you for your attention to this matter. Should you have any questions please do not hesitate to contact me at the information listed below.

Very truly yours,

Jason Chorley, Treasurer
The Zeta Eta Chapter of
Beta Theta Pi Housing Corporation
3681 Vireo Ave
Santa Clara, CA 95051
(408) 910-4494
jchorley@campeaulaw.com

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I. GENERAL OPERATIONS

The Zeta Eta Chapter of Beta Theta Pi Fraternity (the "CHAPTER") located at San Jose State University (the "UNIVERSITY") is governed by three distinct bodies: 1) Beta Theta Pi Fraternity (the "FRATERNITY"), 2) the University, and 3) the Chapter. Each of these entities has its own governing document that helps maintain order for the Chapter. The Fraternity supplies the Code of Beta Theta Pi (see Appendix A), the University supplies the Student Organization Code of Conduct (see Appendix B), and the Chapter supplies the Zeta Eta Chapter By-Laws (see Appendix C).

Each of these documents is the umbrella document that governs the general operations of the Chapter. There are specific policies that govern specific activities, but the overall operation of the Chapter is governed by the three aforementioned documents.

The Operations of the Chapter can be separated into a few general categories. These categories are: Recruitment, Socials, Scholarship and Business. Each of these categories is covered in the main governing documents of the Chapter, but each also has its own policies and documents. The majority of the operations of the Chapter are done at the Chapter house, but there are other venues where operations may take place.

II. RECRUITMENT (RUSH)

Recruitment occurs during the first three weeks of the Fall (end of August / beginning of September) and Spring (end of January / beginning of February) semesters. This is a period when the Chapter is trying to recruit new members. There are several activities that take place during the recruitment period in an attempt to draw the interest of potential new members.

The majority of recruitment is done on the campus during the day, where the fraternity has an informational table set up to catch passer-byes who might have an interest in joining a fraternal society. These information tables are also used to invited the potential new members (rushees) over to the Chapter house for a tour and possibly to other activities.

Activities during recruitment generally consist of a couple barbeques at the Chapter house during the first and final weeks of the recruitment period. At these barbeques, tours of the Chapter house will be given and members of the fraternity will mingle with the potential new members. This is generally done outside except for the tours of the house. At the subject property, these barbeques would take place on the westerly side of the larger building and the driveway.

The majority of the other activities are done away from the Chapter house and the house is used only as a meeting point for the caravan to begin. These activities include weekend trips to go river rafting, or night-time trips to play broomball at the ice rink, or attending a sport's game. The main congregation point for the subject property would be the living and dining room area in the smaller house.

During the recruitment period alcohol use is forbidden (see Appendix D).

III. PARTIES (SOCIALS)

Parties are held on Friday evenings only and are very regulated by the University, the Chapter and the University Police Department. There are strict procedures that must be followed in accordance with University and Police policy. As an organization of the University, the Chapter and the Chapter house fall under the jurisdiction of the San Jose State University Police Department (See Appendix H).

The process that must take place before a party can happen is first, to register the party with the University (see Appendix F) and second, to request the presence of University Police Officers at the party (see Appendix G). The University and the Police require that there is one officer for every 150 people in attendance. They also require that the host fraternity supply party monitors. The number of party monitors is 4 for the first 100 people and 2 for each additional 100 people. The Chapter has its own policies regarding the party monitors which are referred to as "sober monitors." (See Appendix E) These sober monitors monitor the party on the inside while the Police Officers monitor the outside with respect to those entering and those leaving the party.

All guests must be on a guest list in order to attend any party. The guest lists are limited to those individuals who are members of Greek organizations on campus. Anyone who enters the party must have a form of picture identification on them and they must be on the guest list. Individuals under the age of 18 are prohibited from being on the Chapter house property. Every party is BYOB. It is prohibited for the fraternity to supply alcohol to anyone. Anyone who brings alcohol to the party must be over the age of 21 and must check their alcohol with one of the sober monitors at the beer check area. Glass bottles are forbidden and so is hard liquor. The University police officers are at the front of the party assisting in the regulation of who is bringing alcohol into the party.

Parties begin around 10:00 p.m. and are allowed to carry on until 1:00 a.m. By 1:30 a.m. the party must be cleared completely. This time frame is governed by the University Police Officers

IV. ACADEMICS (SCHOLARSHIPS)

Academics are a large part of being in the fraternity. During the week a lot of time is devoted to studying. A portion of the basement in the larger building will be used as a study area. Study hours are a mandated portion of the Chapter (See Appendix C). New members are required to complete a certain amount of study hours to ensure that they achieve an acceptable grade point average. Since the ultimate goal of all college students is to graduate, academics are highly emphasized.

Another way we maintain academic excellence is by monitoring grades throughout the semester through the use of Grade Checks. These are simple forms that request a professor to provide the student with a current evaluation of his grade in the class so the student is able to compensate for any shortcomings early in the semester and not waiting until the end of the term to find out (See Appendix I).

V. MEETINGS (BUSINESS)

The fraternity conducts its business through weekly meetings. These meetings are held every Monday evening. Currently the meetings are held at our Chapter house in our Chapter room/Study room. In the subject property the basement of the larger building would suffice as a meeting place. The living room of the smaller house will also suffice as a meeting place. The

other option that the Chapter has is to use a room at the University. As a student organization, the Chapter is given the privilege of reserving rooms at the University to use for meetings. There are several classrooms as well as meeting rooms that can be reserved to meet the needs of the Meetings.

The new members of the Chapter also hold weekly meetings to conduct their business. The day of their meetings is not set like that of the active Chapter. However, the meetings still take place once every week. They too can reserve a room on campus if they need to, but most likely because they are smaller in number could use the living room of the smaller house.

VI. PHILANTHROPY (COMMUNITY SERVICE)

Philanthropy is another large part of being in the fraternity. Several times throughout the year the Chapter participates in organized philanthropies that combine entertaining activities with raising money for a worthy cause. Each fraternity and sorority on campus hosts an organized philanthropy once a year. Many of these philanthropies last a couple of days and usually include large dinners and raffles. The most common style philanthropy, and one in which the Chapter organizes, is an athletics tournament. These activities are done at an off-site location and don't interfere with the subject property.

Another form of philanthropy that the Chapter participates in are various community service activities. In the past these have included neighborhood clean-ups and tree-planting. This commitment to community will continue in the new neighborhood association the Chapter will be a part of.

VII. PARKING

There is very limited parking at the subject property. There are currently 6 parking spaces. Parking spaces are rented on a monthly basis. Determination for parking spaces is done via a waiting list. There are currently tenants living in the larger building who are on the waiting list. Members of the fraternity will be placed on that waiting list as they matriculate into the property. There will be no priority given to anyone other than the waiting list. Because the tenants that currently live in the building are on the waiting list, they will be given the first choice to any available parking spaces.

Those that are not granted a parking space on the property will have access to park in the garages provided by the University. Each student at the University has the option to purchase a parking permit that allows them to park in one of 4 parking locations (4th Street, 7th Street, 10th Street, and the Stadium). Also, as students of the University they are given an all-access pass to the Valley Transportation Authority services. This means that all students are able to ride any bus and any light rail at no cost to them, provided they paid their tuition to the University. There are several bus stops and a Light Rail Station very near to the subject property.

VIII. MISCELLANEOUS

In an attempt to maintain the traditional values of the fraternity, the Chapter has recently elected to partner under the *Men of Principle Initiative* with the General Fraternity. This is a partnership between the undergraduates, the alumni, and the General Fraternity to ensure success

which is grounded on the founding Principles of Beta Theta Pi. The *Men of Principle Initiative* sets out a vision and specific goals for the Chapter to work towards. The mission of the *Men of Principle Initiative* is (See Appendix J):

“Beta Theta Pi is dedicated to building men of principle for a principled life. Our brotherhood aids the individual, builds the Fraternity and strengthens the host academic institution through lifelong devotion to intellectual excellence, high standards of moral conduct and responsible citizenship.

LIFELONG FRIENDSHIP — Bonded by oath and ritual, Betas form lifelong bonds of trust and friendship which are the foundation of the Fraternity’s mission.

CULTIVATION OF THE INTELLECT — Beta membership encourages individual and chapter support of the academic mission and provides opportunities for co-curricular learning and personal growth.

RESPONSIBLE LEADERSHIP — Betas participate in a system of self-governance, bound by trust and responsibility, which nurtures the development of social and leadership skills.

RESPONSIBLE SOCIAL CONDUCT — Beta Theta Pi is committed to standards of social conduct which are guided by principles of urbane, civil, courteous and responsible deportment.

COMMITMENT TO COMMUNITY — The experience of being a Beta encourages men to serve their university, fraternal and local communities.”

The Chapter has elected to adhere to and pursue the principles and values as outlined by the initiative and as set forth by Beta Theta Pi. This is one of the many ways that the Chapter holds itself to the traditions of fraternal values and conduct. The Chapter has thrice received the Sisson award which is one of the General Fraternity’s highest awards. It is an award for chapter excellence in adherence to fraternal values, academics, leadership, participation, and community involvement.

IX. HOUSE RULES (EXAMPLE)

Attached as Appendix K is a sample of how we govern the maintenance of the Chapter house. Appendix K is the current version of the House Maintenance Binder that will be amended when the Chapter moves into the subject property. Several items will be changed in the Binder and so it is to be used only as an example of how the Chapter structures its governance over house maintenance and accountability of members.



San José State
UNIVERSITY

Student Organization Code of Conduct

This document borrows extensively from and replicates significant portions of the University of Southern California, U.C. Berkeley and the San Jose State University Student Codes of Conduct.

San Jose State University has established the following Student Organization Code of Conduct to ensure that student organization officers understand and accept responsibility for the actions of their members and guests. The Office of Student Judicial Affairs will exercise jurisdiction over student organizations. Disciplinary sanctions may be imposed on the organization when its members or guests violate one or more of the following articles of conduct:

1. Unauthorized presentation of oneself and one's organization as a representative of the University for the purpose of gaining or attempting to gain privilege, convenience, goods or services.
2. Possession, manufacture or distribution of false or altered instruments of identification.
3. Theft (or attempted theft) of property or of services within the University community; possession of stolen property regardless of origin; misappropriation of University resources.
4. Causing physical harm to any person in the University community.
5. Causing reasonable apprehension of harm to any person in the University community or at University-sponsored activities.
6. Destroying, damaging or defacing the property of others, whether in the University community or at University-sponsored activities or assignments.
7. Behavior which disrupts or interferes with normal University or University-sponsored activities, including, but not limited to, study, teaching, research, officially invited speakers, university administration, public safety, or fire, police or emergency services or other authorized activity.

8. Failure to comply with directions of University officials acting in the performance of their duties while in the University community or at University-sponsored activities, or resisting or obstructing such university officials in the performance of their duties, including failure to carry and/or provide upon request appropriate SJSU student identification.
9. Unauthorized use, possession or dissemination of alcohol.
10. Use, possession or dissemination of illegal drugs or drug-related paraphernalia.
11. Behavior, which disrupts or interferes with the freedom of expression of others.
12. Participation in or promotion of a disturbance of the peace or unlawful assembly in the University community or at University-sponsored activities.
13. Engaging in disorderly conduct or lewd, indecent or obscene behavior in the University community or at University-sponsored activities.
14. Encouraging or permitting others to engage in misconduct prohibited within the University community. Failing to confront and prevent the misconduct, notify an appropriate University official of the misconduct, or remove oneself from the situation (if appropriate).
15. Initiating or causing to be initiated any false report, warning or threat, such as that of fire, explosion or other emergency in the University community.
16. Use or possession of firearms or replicas, ammunition, explosives, knives or other weapons or fireworks in the University community. Any exception requires prior authorization from the SJSU Department of Public Safety.
17. Knowingly violating the terms of any disciplinary sanction imposed in accordance with the Student Organization Code of Conduct. This includes further violations during a period of disciplinary sanction.
18. Verbal comments which are individually directed and which are harassing, intimidating or threatening and/or interfere with work or learning.
19. Any act chargeable as a violation of local, state or federal law may be cited as a violation of the Student Organization Code of Conduct, whether or not charges are brought by civil authorities.

20. Participation in rape or any other kind of sexual assault by an individual student or in concert with others. For the purposes of this section, students should understand that:

a. Forced intercourse, or other sexual contact, which is not consensual is defined as rape or sexual assault whether the assailant is a stranger or an acquaintance of the complainant;

b. Intoxication of the accused does not diminish his/her responsibility for a sexual assault;

c. In situations where the complainant is incapable of giving consent, which includes but is not limited to when the complainant is prevented from resisting due to consumption of alcohol or drugs, the accused is responsible for misconduct if the accused sexually assaults the complainant.

21. Any act that intimidates or threatens a student, staff or faculty member because of his/her intending to file, filing and/or proceeding with a SJSU Department of Public Safety police report.

22. Hazing or any method of pre-initiation or initiation into a student organization or any pastime or amusement engaged in with respect to such an organization which causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm.

23. Obstruction or disruption, of the campus educational process, administrative process, or other campus function.

24. Physical abuse of the person or property of any member of the campus community or of members of his or her family or the threat of such physical abuse.

25. Denial of membership in the organization to anyone on the basis of race, religion, national origin, age, sex, disability, veteran's status, or sexual orientation, except as sanctioned by law (California Administrative Code, Title 5, Section 41500; Education Amendments of 1972, Title IX).

26. Inappropriate use of organization and/or University funds.

27. Violation of any other University policy or campus regulations.

NOTE: Individual students may also be subject to disciplinary action depending upon the situation.

Live-In House Management Handbook



THE ZETA ETA OF BETA THETA PI

(Created Fall 2003)

This handbook has been designed to be a resource to all tenants of the Zeta Eta chapter house, whether pledge or active brother. The purpose behind this handbook is to give a clear foundation as to what the Chapter House's rules and guidelines are, as well as a clear explanation of required house chores.

In this handbook you will find:

- I. General Rules and Guidelines**
- II. The DO's and DO NOT's of Living in the Chapter House.**
- III. Bi-Laws Pertaining to House Management.**
- IV. House Chore Assignment Descriptions.**
- V. Duties of the House Manager**
- VI. Housing Contract**

I. General Rules and Guidelines

- A. All tenants of the Zeta Eta chapter house will abide by all rules and regulations as stated in the tenant housing contract. (Included in this handbook)
- B. Each tenant will be assigned a house chore by the House Manager. Failure to complete a house chore will result in disciplinary action. i.e. fines, Kai Committee, referral to the House Corps.
- C. Cleaning supplies, tools, and maintenance equipment shall be maintained by the House Manager.
- D. Anyone who misuses, tampers with, or destroys any cleaning supplies, tools, or maintenance equipment can be subject to fines, Kai Committee, or referral to the House Corps. Compensation will be collected.
- E. Destruction of Zeta Eta Chapter property will result in a \$25 fine and will require the individual to repair whatever was destroyed.
- F. Any guest who spends nights on the Zeta Eta Chapter property is subject to these rules:
 - a. A guest is only allowed to spend a maximum of 3 nights staying on the property.
 - b. A guest may be asked to leave or not be allowed to spend nights on chapter property if it is a consensus of the other members that they are over stepping their bounds.
 - c. A guest is to never use house amenities on a daily basis. i.e. – Showers
- G. Parking assignments will be issued by the House Manager.
- H. Keys to common areas will be issued to you by the House Manager. Your account will be billed.
- I. Only Active members will receive a key to the Chapter Room.
- J. Only the House Manager and President have keys to the Basement.
- K. No member is allowed on any rooftops of the chapter house or chapter room as per the Risk Management guidelines unless authorized by Risk/House Manager.
- L. Loss of any keys will be replaced and you will be charged for replacement.

II. The DO's and DO NOT's of Living in the Chapter House

DO's

- A. **DO** respect Beta Theta Pi and the Zeta Eta Chapter House.
- B. **DO** your house chore.
- C. **DO** adhere to all rules that the Executive Board and House Manager set forth.
- D. **DO** clean up after yourselves and use garbage bins.
- E. **DO** put forth the effort to set a good example for other Betas and guests.
- F. **DO** promote a clean and sanitary living environment.
- G. **DO** use the kitchen and appliances in a correct manner.
- H. **DO** promote a safe environment by locking all doors if you feel no one else is home.
- I. **DO** keep your bedroom in a clean sanitary manner.
- J. **DO** report any house maintenance issues to the House Manager and/or the Executive Board.

DO NOT's

- A. **DO NOT** tamper with smoke detectors or fire extinguishers.
- B. **DO NOT** misuse cleaning supplies.
- C. **DO NOT** disrespect the house by not cleaning up after yourself.
- D. **DO NOT** allow guests to disrespect the house by leaving a mess.
- E. **DO NOT** keep your personal effects in any common areas.
- F. **DO NOT** give non-members keys to the chapter property.
- G. **DO NOT** allow non-members to remain on chapter property unattended to.

Bi-Laws Pertaining to House Management

Article XI Fines

Section II

All property of the chapter, which is destroyed, damaged, or vandalized, by a brother, shall be replaced to its original state at the expense of those responsible.

Article XV House Management

Section I Parking

- a. Parking will be assigned by roll number. The active with the lowest roll number gets priority.
- b. There will be no parking restrictions between 5:00 PM and 11:00 PM on Mondays.
- c. There shall be 7 parking spots assigned.
- d. The President shall always have a parking spot.
- e. Only brothers living in the house shall be assigned a parking spot.
- f. A pledge shall never have a parking spot.

Section II

The President's Room will always be a single room.

IV. House Chore Assignment Descriptions

House chores will be assigned to all live-ins and pledges. For actives, chore assignments will be chosen in roll number order. The pledge class will determine how to allocate their chores. House chores will be done bi-weekly with live-ins chores done on the Sunday of every week and the pledges chores done on the Thursday of every week.

Upstairs/Downstairs Bathroom:

- Remove any debris from area.
- Clean inside shower walls, shower floor, and shower ceiling with multi-purpose cleaner.
- Clean shower door inside and out with multi-purpose cleaner.
- Clean showerhead with multi-purpose cleaner.
- Clean outside, base, and back of toilet with multi-purpose cleaner.
- Clean inside of toilet using toilet bowl cleaner.
- Clean mirror and any windows using Windex.
- Clean bathroom walls using multi-purpose cleaner.
- Clean sink using bleach.
- Sweep the bathroom floor.
- Empty the bathroom wastebasket and replace wastebasket liner.
- Mop the bathroom floor using Pinesol.
- Replace toilet paper if necessary.

Kitchen:

- Remove any debris from the area.
- Wash the dishes using dish washing liquid or throw them away (which ever is preferred).
- Clean the counter tops using multi-purpose cleaner.
- Clean the cutting board using multi-purpose cleaner.
- Clean the stovetop and oven door using multi-purpose cleaner.
- Clean the table using multi-purpose cleaner.
- Clean the pantry shelves using multi-purpose cleaner.
- Clean the cabinet doors using multi-purpose cleaner.
- Clean the microwave inside and out using multi-purpose cleaner.
- Clean the outside of the refrigerator using multi-purpose cleaner.
- Clean kitchen walls using multi-purpose cleaner.
- Clean water cooler using multi-purpose cleaner.
- Clean kitchen windows using Windex.
- Clean kitchen sink using bleach.
- Sweep the kitchen floor.
- Empty the kitchen trashcan and replace trash bag.
- Mop the kitchen floor using Pinesol.
- Refill water bottles if necessary.

- Clean refrigerator and freezer interior using multi-purpose cleaner once a month.

Living Room:

- Remove any debris from the area.
- Organize the area behind the bar.
- Dust the fireplace mantle and awards.
- Clean the bar using multi-purpose cleaner.
- Clean the table using multi-purpose cleaner.
- Clean the windows using Windex.
- Clean the composites using Windex.
- Clean the fireplace panes using Windex.
- Sweep the tile in front of the fireplace.
- Mop the tile in front of the fireplace using Pinesol.
- Sweep the couch cushions and under them.
- Mop the living room floor using Pinesol.

Hallway:

- Remove any debris from the area.
- Clean window using Windex.
- Clean glass panes on the door using Windex.
- Clean glass panes on the door using Windex.
- Clean window ledge using multi-purpose cleaner.
- Dust banisters.
- Wax banisters using Pledge.
- Sweep entire hallway including top and bottom sections, stairs, and trim.

Side Porch:

- Remove any debris from the area.
- Clean the walls using multi-purpose cleaner.
- Clean glass panes using Windex.
- Empty and clean the ashtray.
- Shake dust from any door mats.
- Sweep the area.
- Empty the trashcan and replace trash bag.
- Mop the area using bleach (this includes the railing and the stairs).

Front Porch:

- Remove any debris from the front porch and side of the house near The Franciscan.
- Organize any furniture.
- Clean the outside of the living room, kitchen, and downstairs bathroom windows using Windex.
- Sweep the deck and benches.

Driveway:

- Remove any debris from the driveway and in the back near the dumpster.
- Rake the flowerbed areas.
- Sweep the entire area.
- Empty any trashcans and replace trash bags.
- Recoil the hoses if necessary.

Lawn:

- Mow the lawn.
- Edge the lawn.
- Sweep any excess debris.
- Pull any weeds if necessary.
- Water the lawn for ½ hour on a daily basis.

Chapter Room:

- Remove any debris from the area.
- Dust the monitors, keyboards, computers and computer desks.
- Dust any tables in the room.
- Wax the computer desks and table tops using Pledge.
- Clean monitor screens with Windex.
- Clean display case with Windex.
- Clean pictures with Windex.
- Clean letters with Windex.
- Sweep the couch cushions and under them.
- Sweep the floor.
- Mop the floor.
- Organize all furniture and book cases.

Dumpster:

- Take dumpster out Monday night.
- Bring dumpster back in Tuesday morning.

Bedrooms:

- Remove all debris.
- Organize all belongings in a presentable manner.
- Dust any tables and appliances.
- Keep refrigerators clean.
- Make your bed.
- Vacuum, sweep, or mop your floor.
- Empty any wastebaskets and replace wastebasket liner.
- For bedrooms with bathrooms, see **upstairs/downstairs bathroom** section and clean bathtubs with bleach.

Article V, Section IX

House Manager

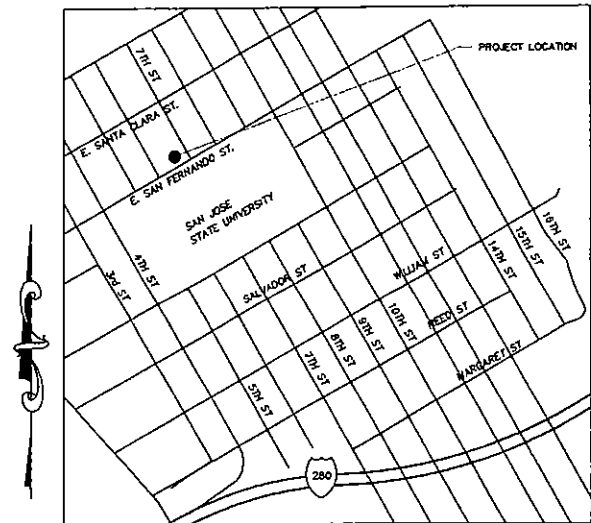
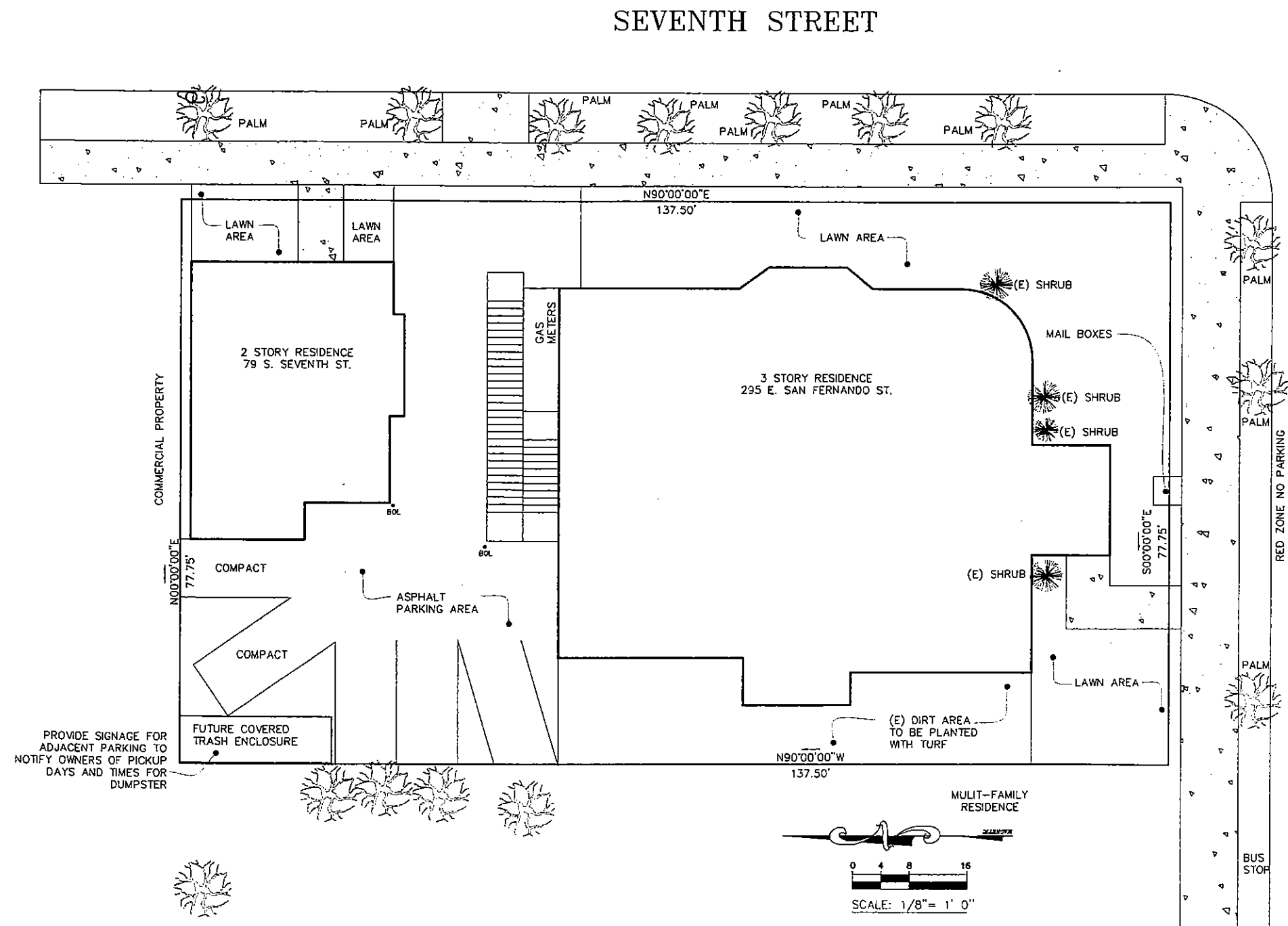
Duties and Responsibilities

- a. To schedule work sessions and assign duties to the pledges and actives to maintain and improve the physical conditions of the house, and to insure that the work is properly completed.
- b. To be responsible of the general upkeep of the house.
- c. To report on breakage in the house and to give the treasurer an estimate of damage to allow billing of those responsible.
- d. To bring before the Executive Board any problems he encounters pertaining to the upkeep or repair of the house.
- e. To order and maintain an inventory of kitchen and other cleaning and miscellaneous supplies as needed to ensure the proper upkeep of the house.
- f. To ensure that the condition of the house meets all housing, health and fire regulations.
- g. To formulate plans for house improvements to be presented to the Executive Board.
- h. To maintain all fire prevention systems.
- i. To attend all house corporation meetings.
- j. To conduct room picks.
- k. To conduct parking lot picks.
- l. Maintain copies of the leasing contracts provided by the Housing Corporation.

295 EAST SAN FERNANDO
STREET
&
79 SOUTH SEVENTH STREET

APN 467-24-026

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LOCATION MAP

PROJECT INFORMATION

Total Acres	0.25 Acres
Dwelling Units	15 Units
295 E. San Fernando	1 Single Family Home
79 S. Seventh	
Off-Street Parking	5 Spaces
Bus Stop	Within 50 ft
Existing Residential Density	64 Units/Acre
No new Construction is proposed	

ROOM LAYOUTS AND SIZE				
295 E. SAN FERNANDO ST.				
	Style	Bedroom Count	SQUARE FOOTAGE	Proposed Occupants (2/room)
Unit 1	Bed/Living*	2	780	4
Unit 2	Bed/Living	2	570	4
Unit 3	Studio	1	330	2
Unit 4	Studio	1	390	2
Unit 5	Studio	1	515	2
Unit 6	Bed/Living*	2	739	4
Unit 7	Bed/Living	2	560	4
Unit 8	Bed/Living	2	710	4
Unit 9	Studio	1	390	2
Unit 10	Studio	1	497	2
Unit 11	Bed/Living	1	624	2
Unit 12	Bed/Living	1	578	2
Unit 14	Studio	1	337	2
Unit 15	Studio	1	386	2
Unit 16	Bed/Living	1	1240	2
		20	8646	40
79 S. SEVENTH ST.				
Single-Family		4	1825	8
TOTAL		24	10471	48

* = Living Room / Future Sleeping Quarters

GENERAL NOTES

NO SITE OR BUILDING MODIFICATIONS ARE PROPOSED AS PART OF THIS SUBMITTAL



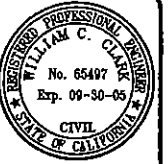
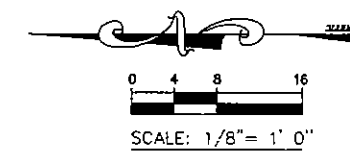
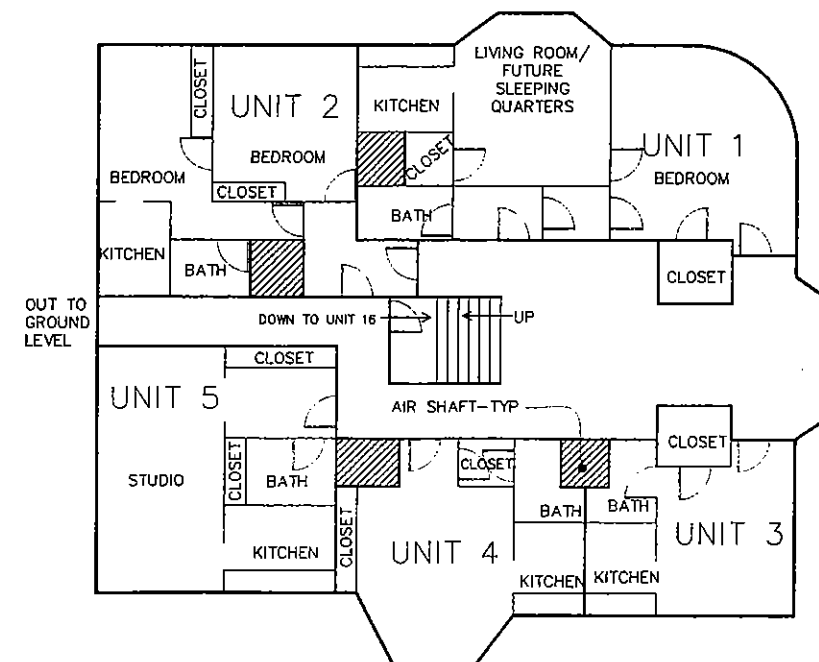
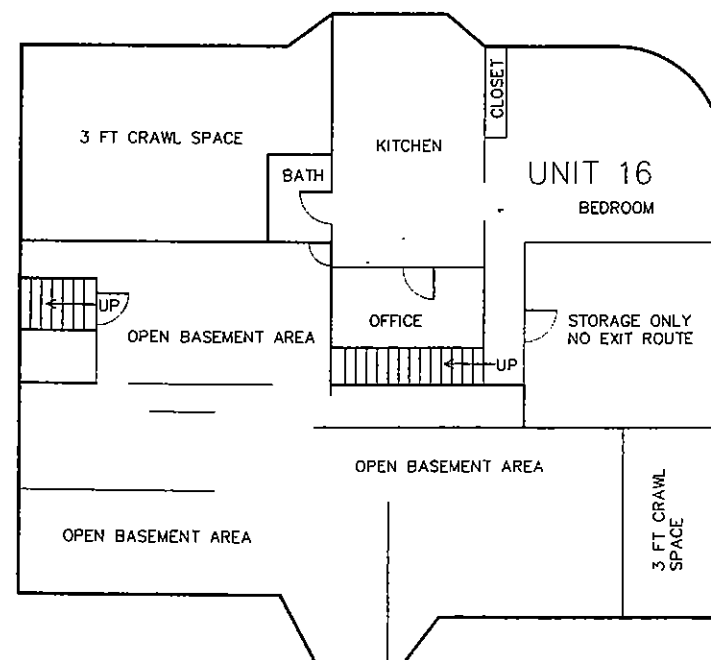
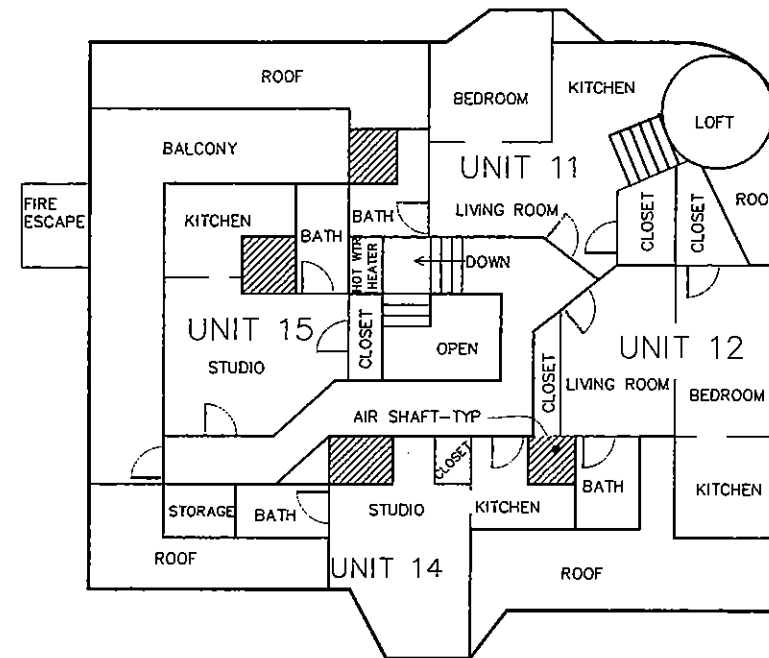
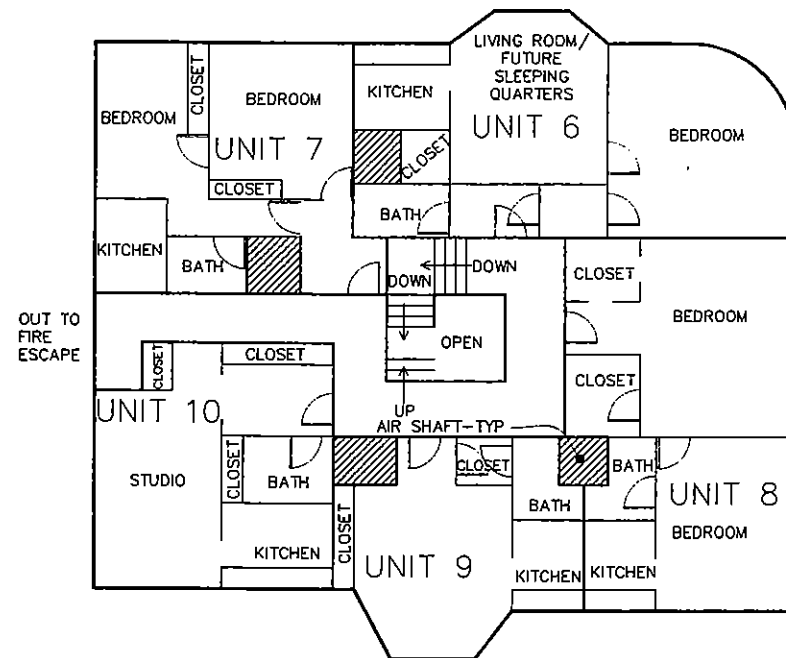
William Clark, P.E.
14626 SYLVIA WAY
SAN LEANDRO, CA 94578
PHONE 510-715-6018

295 E. SAN FERNANDO ST. &
79 S. SEVENTH ST.
SAN JOSE, CALIFORNIA
APN: 467-24-025
SANTA CLARA COUNTY

SITE PLAN

REVISIONS	BY
JOB NO:	-
DATE:	10-14-04
SCALE:	1" = 8'
DESIGN BY:	WC
DRAWN BY:	WC
SHEET NO:	

C-1



William Clark, P.E.
14626 SYLVIA WAY
SAN LEANDRO, CA 94578
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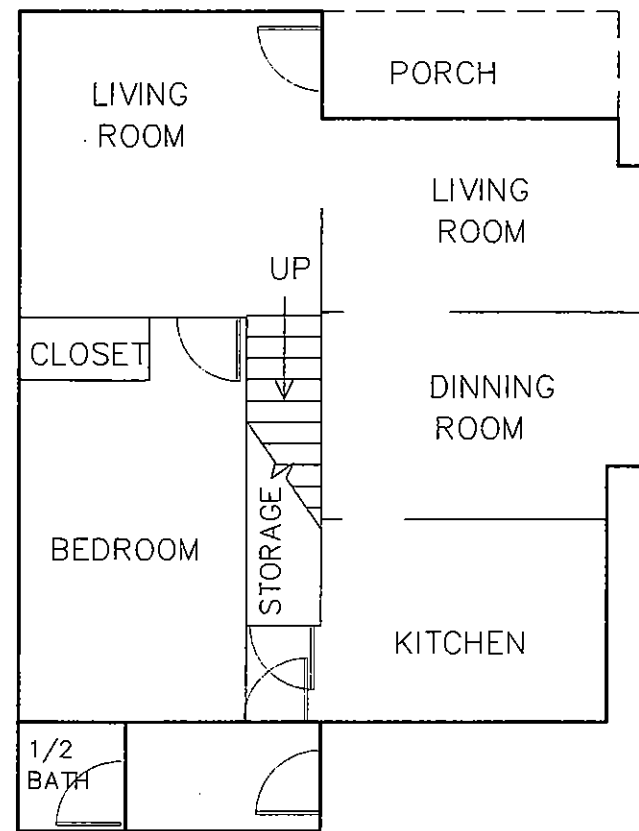
295 E. SAN FERNANDO ST. &
79 S. SEVENTH ST.
SAN JOSE, CALIFORNIA

295 E. SAN FERNANDO ST.
FLOOR PLANS

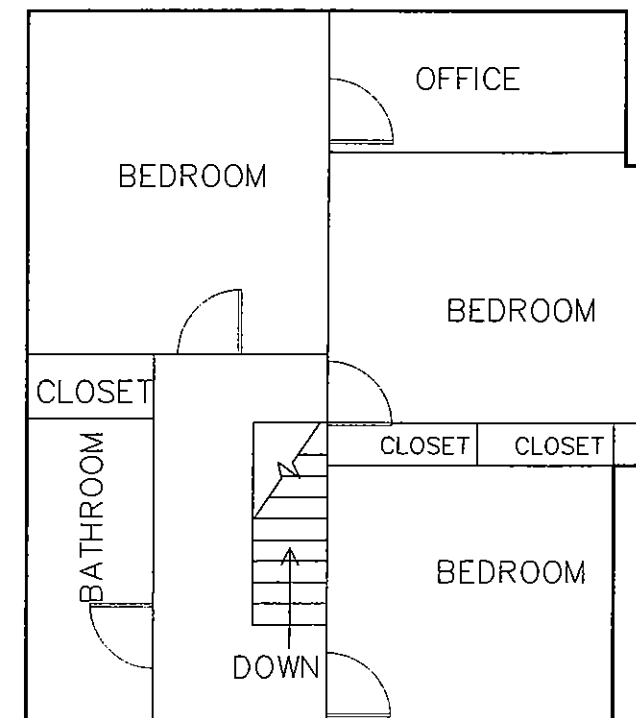
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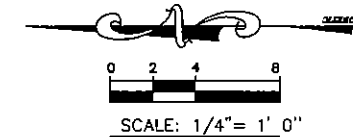
OF 6 SHEETS



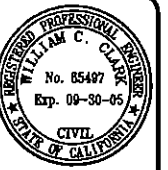
FIRST FLOOR LEVEL



SECOND FLOOR LEVEL



79 S. SEVENTH ST.



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295 E. SAN FERNANDO ST. &
79 S. SEVENTH ST.
SAN JOSE, CALIFORNIA

79 S. SEVENTH ST.
FLOOR PLANS

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C-3

A black and white photograph of a two-story brick house. The house has a chimney on the left side and a car parked in the driveway. The house is made of brick and has a gabled roof. There are windows on both floors. The car is a dark-colored sedan. The driveway is paved. The house is surrounded by a lawn and some trees.

A black and white photograph of a building facade. On the left, there is a large, dark, textured wall, possibly made of stone or concrete, with a small, rectangular window. To the right, a lighter, textured wall features a doorway or entrance. A palm tree is visible in the background on the right side of the image. The overall style is grainy and high-contrast, typical of older newspaper photographs.

A black and white photograph of a large, multi-story brick building, likely a school or institutional structure. The building features a prominent central entrance with a gabled roof and a large tree in the foreground. The image is grainy and has a high-contrast, almost stencil-like appearance.

295 E. SAN FERNANDO ST. &
79 S. SEVENTH ST.
SAN JOSE, CALIFORNIA

100

SITE PICTURES

REVISIONS	BY
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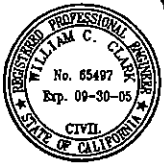
C-4

6 SHEETS

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Pictures 295 San Fernando	
295 San Fernando South (Front)	295 San Fernando East (Sidewalk & Side Yard)
295 San Fernando North (Fire escape)	295 San Fernando West (Side of House)
295 San Fernando NE corner (Garbage bins)	295 San Fernando SE Corner (Bus Stop)

Pictures 295 San Fernando	
295 San Fernando South (Sidewalk & Walk way)	295 San Fernando West (property line)
295 San Fernando Southwest (Front Porch)	295 San Fernando South East (Front Lawn & Porch)
295 San Fernando South East (Side Lawn)	295 San Fernando North West (Side yard)



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295 E. SAN FERNANDO ST. &
79 S. SEVENTH ST.
SAN JOSE, CALIFORNIA
APN: 467-24-026
SANTA CLARA COUNTY

SITE PICTURES

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REVISIONS	BY
JOB NO:	-
DATE:	10-14-04
SCALE:	NA
DESIGN BY:	WC
DRAWN BY:	WC
SHEET NO:	

C-5

OF 6 SHEETS

Pictures



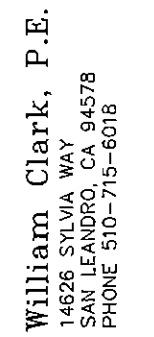
In between Buildings (Driveway)



Picture Taken from North West Corner



East Drive Way



SANTA CLARA COUNTY
APN: 467-24-026

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REVISIONS	BY

C-6